

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA and
AMERICAN PETROLEUM INSTITUTE,

Plaintiffs,

V.

Case No. 2:24-cv-1513

JULIE MOORE, in her official capacity as
the Secretary of the Vermont Agency of
Natural Resources and
JANE LAZORCHAK, in her official capacity as
the Director of the Vermont Agency of
Natural Resources Climate Action Office,

Defendants.

STIPULATED MOTION TO SET INITIAL BRIEFING SCHEDULE

Plaintiffs Chamber of Commerce of the United States of America and American Petroleum Institute and Defendants Julie Moore and Jane Lazorchak, by and through counsel, jointly move for an extension of Defendants' deadline for responding to the Complaint and adoption of a proposed briefing schedule, as described below. In support of their motion, the parties state as follows:

1. Plaintiffs filed their complaint December 30, 2024.
2. Plaintiffs served their complaint on Defendants on February 26, 2025.
3. Pursuant to Federal Rule of Civil Procedure 12(a)(1)(A)(i), Defendants' responsive pleading is currently due March 19, 2025.
4. Due to the significance and complexity of the claims raised in Plaintiffs' Complaint,

Defendants have sought Plaintiffs' consent to an extension of their deadline for responding to the Complaint.

5. Counsel for the parties have conferred and agreed on a proposed schedule for responsive pleadings and motions. Defendants expect to move to dismiss the Complaint, and Plaintiffs expect to be prepared to move for partial summary judgment on Counts I and II of the Complaint. Accordingly, the parties have agreed upon the following proposed briefing schedule:
 - Defendants shall file their responsive pleading or motion to dismiss by May 19, 2025.
 - Plaintiffs shall oppose Defendants' motion to dismiss by June 18, 2025. If Plaintiffs intend to move for partial summary judgment in their favor on Counts I and II of the Complaint, they shall file that motion by June 18, 2025.
 - Defendants shall file any reply in support of their motion to dismiss or opposition to Plaintiffs' motion for partial summary judgment, if any, by August 15, 2025.
 - Plaintiffs shall file any reply in support of their motion for partial summary judgment by September 5.
6. The parties request the Court set oral argument on their motions to dismiss and/or for summary judgment in October or November 2025, depending on the Court's convenience.
7. Pursuant to L.R. 26(a)(2), the parties are currently required to file a proposed discovery schedule as prescribed by L.R. 84 by April 27, 2025.¹ If the Court adopts the briefing

¹ The discovery schedule is required to be filed "by the parties within the earlier of 75 days after any defendant has been served with the complaint or 45 days after any defendant has appeared." L.R.

schedule proposed above, the parties believe a significant portion of this matter may be efficiently resolved through motion practice. Accordingly, the parties respectfully request that, if it grants the instant motion, the Court also enlarge the parties' obligation to file a discovery schedule until fourteen days after the Court's decision(s) on any motions made pursuant to the proposed briefing schedule.

26(a)(2). A defendant was first served February 26, 2025. Doc. 7. Seventy-five days after February 26, 2025, is May 12, 2025. A defendant first appeared March 12, 2025. Doc. 13. Forty-five days after March 12, 2025, is Saturday, April 25, 2025, meaning the deadline eventually falls on Monday, April 27. *See* F.R.C.P. 6(a)(1).

Dated: March 19, 2024

By: /s/ Steven P. Lehotsky

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Respectfully submitted,

By: /s/ Jonathan T. Rose

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